

Clarke County

Planning Commission
Regular Meeting Minutes
December 5, 2014



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, December 5, 2014, 2014.

ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Randy Buckley; Scott Kreider; Doug Kruhm; Frank Lee; John Staelin and Jon Turkel.

ABSENT: Bouffault and Nelson (arrived late)

STAFF

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; and Debbie Bean, Recording Secretary.

CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 9:00 a.m.

Chair Ohrstrom introduced Gwendolyn Malone as the new Planning Commissioner representing the Berryville Election District. He told Ms. Malone that on behalf of the Planning Commission he wanted to welcome her to the Commission and looks forward to working with her. Mr. Stidham stated that since Ms. Malone has not yet been sworn in by the Clerk of the Court that she will not be voting at this meeting and would only be observing.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

Yes: Buckley, Caldwell (moved), Kreider, Kruhm, Lee (seconded), Ohrstrom, Staelin and Turkel

No: No one

Absent: Bouffault and Nelson

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of November 4, 2014 with one minor correction.

Yes: Buckley, Caldwell (moved), Kreider, Kruhm, Lee (seconded), Ohrstrom, Staelin and Turkel

No: No one

Absent: Bouffault and Nelson

The Commission voted to approve the regular meeting minutes of November 7, 2014.

Yes: Buckley, Caldwell (moved), Kreider, Kruhm (seconded), Lee, Ohrstrom, Staelin and Turkel

No: No one

Absent: Bouffault and Nelson

Subcommittee Appointments – Replacement for Chip Steinmetz

- a. Policy/CIP Subcommittee
- b. Transportation Subcommittee

Chair Ohrstrom stated that the subcommittee appointments will be deferred until the January 9, 2015 Planning Commission meeting.

Public Hearing Items

SPECIAL USE PERMIT / SITE PLAN (SUP-14-01 /SP-14-04)

New Cingular Wireless PCS LLC (aka AT&T Mobility) is requesting an approval of a Special Use and Site Plan for installing a 90' tall telecommunications monopole (includes whip antennas) with 3 arrays containing a total of 12 antennas and associated equipment within a 2500 sq. ft. fenced compound. The property is identified as Tax Map 9-5-6, located in the 2900 block of Allen Road in the Russell Election District and is zoned Agricultural Open-Space Conservation (AOC).

Mr. Russell explained the proposed request. He stated that since the November Planning Commission meeting the applicant provided a balloon test for the Planning Commission members and adjoining property owners to observe on November 13, 2014. He said that Staff received an email from the Applicant's agent requesting an indefinite deferral of the request due to recent business decisions by AT&T. He said that Shawn Hagerty, agent for the Applicant, is present to answer questions from the Commission.

Mr. Hagerty stated that AT&T still wants to proceed with the proposed Special Use Permit / Site Plan but due to budget restraints they will have to postpone. He said that AT&T would like to continue the zoning process so when they are able to move forward with the project the Special Use Permit / Site Plan procedures will be completed. Mr. Hagerty stated that he has spoken with neighbors in the area of the proposed cell tower and they are looking forward to the proposed cell tower.

Mr. Stidham asked Mr. Hagerty if he will still be representing AT&T with this request. Mr. Hagerty stated that his firm (Smartlink) will still be representing the Applicant and that he is still the Agent. He said that AT&T will be sending a letter to Clarke County sometime next week confirming this information.

Mr. Stidham stated that Staff recommends granting a one month deferral to the January meeting. He stated that the Commission could take action today to set public hearing for the January meeting contingent upon Mr. Hagerty providing the aforementioned letter from AT&T and covering the cost of advertising the public hearing for January. Mr. Hagerty indicated that he was not authorized to agree to pay for any additional advertising costs. Vice Chair Caldwell

suggested a compromise by having the Commission open the public hearing and then continue it to the January Commission meeting. This would provide an opportunity to notify property owners of the new hearing date without having to re-advertise the hearing. Mr. Stidham said that this would be an acceptable compromise and Mr. Hagerty agreed to provide notice of the January hearing date to the adjoining property owners. Mr. Stidham said that Staff would also have to provide hearing notices to the adjoining property owners per the Planning Department's procedures.

Commissioner Nelson entered the meeting.

After discussion with Staff and the Commission, Chair Ohrstrom opened the public hearing.

There being no public comments, Chair Ohrstrom asked for a motion to continue the public hearing until the Commission's January 9, 2015 meeting.

The Commission voted unanimously to continue the public hearing until January 9, 2015 on the following conditions:

1. New Cingular Wireless PCS LLC (aka AT&T Mobility – the Applicant) provide a letter stating that Smartlink and their representative (Shawn Hagerty) are still the registered agents for this request;
2. Adjoining property owners will be notified by the Agent for the Applicant and letters will be sent out by the Planning Department of the continued public hearing; and
3. Both of the above conditions must be met prior to the January 9, 2015 Planning Commission meeting.

Yes: Buckley, Caldwell, Kreider, Kruhm (moved), Lee (seconded), Nelson, Ohrstrom, Staelin and Turkel

No: No one

Absent: Bouffault

ZONING ORDINANCE TEXT AMENDMENT (TA-14-05)

Proposed technical amendments to the Zoning Ordinance:

1. Amend §2-B-1-c to change the location of the Official Zoning Map from the Office of the Clerk of the Circuit Court to the Department of Planning. The purpose is to note the correct physical location of the Official Zoning Map.
2. Amend §3-A-10-a-3, Special Uses and Structures (Business Park District), to add two new special uses – “Recreation, Commercial Indoor (NAICS Code 71394)” and “Petroleum Bulk Stations and Terminals (NAICS Code 424710).” The purpose is to reflect the recent inclusion of these two uses in the Town of Berryville Zoning Ordinance.

Mr. Stidham explained the above amendment. He said that these are technical amendments to the Zoning Ordinance. He stated that the above two items were developed by Staff to address these

issues in the Zoning Ordinance. After discussion with Staff and the Commission, Chair Ohrstrom opened the public hearing.

There being no public comments, Chair Ohrstrom closed the public hearing.

The Commission voted to recommend approval of this proposed amendment as presented to the Board of Supervisors.

Yes: Buckley, Caldwell (moved), Kreider, Kruhm, Lee (seconded), Nelson, Ohrstrom, Staelin and Turkel

No: No one

Absent: Bouffault

Board/Committee Reports

Board of Supervisors (John Staelin)

Commissioner Staelin stated that the General Assembly will be in session soon and the Board will be meeting with our state delegation next Monday to go over any concerns that the Board members may have.

Sanitary Authority (John Staelin)

No report.

Board of Septic & Well Appeals (John Staelin)

No report.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Doug Kruhm)

Commissioner Kruhm stated that the HPC had a public hearing on November 19 for a Certificate of Appropriateness in the White Post Historic District. He said that no one from the public attended the public hearing only the HPC members. He said the Certificate of Appropriateness was for an addition to an existing home that will not be seen from the road and meets all historic requirements. He said there will be another public hearing on December 11 for a Certificate of Appropriateness for building a proposed single family dwelling which is also in the White Post Historic District.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated the CEA has protected 356 acres and relinquished 12 DURs this year. He said there were three transactions, one in May which was 58 acres and 3 DURs, one in October which was 175 acres and 4 DURs and one in November which was 123 acres and 5 DURs.

Other Business

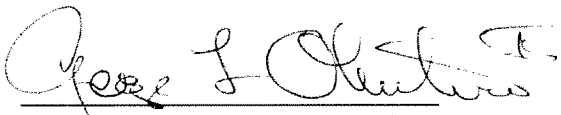
Mr. Stidham stated that January is the organizational meeting. He said this is a good time to look over the subcommittees that you are currently serving on and see if you would like to change or stay with the ones you are on. He stated that we will be looking over the rules of order and if you have any recommendations for changes you can bring it to us ahead of time.

He said that Staff was able to confirm a site visit for the Backroom Brewery located at Sunflower Cottage in Warren County for December 17th at 3:00 p.m. He stated that he will send an e-mail reminder out to the subcommittee members.

He said that Staff would be bringing a proposed text amendment to the Commission at the January Briefing Meeting. He stated that recently there has been a change to Federal law regarding co-location of antennas on existing cellular towers and the language refers to allowing certain types of co-locations that increase tower height to be by-right. He said that Staff is also looking at some procedural filing requirement type tweaks to the monopole requirements in response to recent cases.

Mr. Russell stated that the Economic Development Advisory Committee meeting on December 17th is going to be a walk-about in the Town of Berryville from 11:00 a.m. until 1:00 p.m. He said this will allow the members to meet and greet the owners of the retail stores. He stated the members will be able to see what owners have to offer in their stores and what their needs are. He invited the Planning Commission to come along.

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:34 a.m.



George L. Ohrstrom, II, Chair



Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary